

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DANIEL A. DIERMEIER, an individual,)	
)	
Plaintiff,)	
)	Case No. 18 cv 05942
v.)	
)	
PAUL DEL GALLO, an individual, CASSANDRA)	
AMG, LLC, a Delaware limited liability company,)	Honorable Charles P. Kocoras
and FIRSTSIGHT B, LLC, a Delaware limited)	
liability company,)	
)	
Defendants.)	

**CASSANDRA AMG, LLC’S AND FIRSTSIGHT B, LLC’S
MOTION TO DISMISS PURSUANT TO FED.R.CIV.P. 12(B)(1)**

Now come Cassandra AMG, LLC (“Cassandra AMG”) and Firstsight B, LLC (“Firstsight B”), by and through their attorneys, and pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, move this Court to enter an Order dismissing the complaint against them in the above-captioned case with prejudice (the “Motion”). In support of the Motion, Cassandra AMG and Firstsight B state as follows:

1. On or about August 29, 2018, Plaintiff Daniel A. Diermeier (“Mr. Diermeier”) initiated the above-captioned action against Paul Del Gallo (“Mr. Del Gallo”), Cassandra AMG and Firstsight B (collectively, the “Defendants”) by filing a five count verified complaint (the “Verified Complaint”) alleging (a) breach of contract against Mr. Diermeier on the Individual Note¹; (b) breach of contract against Cassandra AMG on the Cassandra Note; (c) breach of contract against Firstsight B on the Firstsight Note; (d) account stated against Cassandra AMG

¹ All capitalized terms not otherwise defined in the Motion shall have the definition ascribed to them in the Verified Complaint.

on the Cassandra Note; and (e) account stated against Firstsight B on the Firstsight Note (the “Federal Action”).

2. On or about November 29, 2018, this Court entered an Order granting Cassandra AMG and Firstsight B through and including December 31, 2018, by which to respond to the Verified Complaint.

3. Because this Court lacks subject matter jurisdiction over Mr. Diermeier’s claims against Cassandra AMG and Firstsight B, any and all of Mr. Diermeier’s claims against Cassandra AMG and Firstsight B must be dismissed with prejudice.

4. For the reasons more fully detailed in the Memorandum in Support of the Motion to Dismiss which is incorporated herein by reference, Cassandra AMG and Firstsight B now file the Motion and request that this Court enter an Order dismissing them, with prejudice, from the above-captioned action pursuant to Fed.R.Civ.P. 12(b)(1).

WHEREFORE, Cassandra AMG, LLC and Firstsight B, LLC respectfully request that this Court enter an order dismissing each of them from the above-captioned case, with prejudice, and granting each of them such other and further relief as this Court deems just and appropriate.

Dated: December 31, 2018

CASSANDRA AMG, LLC and
FIRSTSIGHT B, LLC

By: /s/ William S. Hackney
One of their Attorneys

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